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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91212820
Party	Plaintiff Apollo Security International, Inc.
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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**Apollo Security International, Inc.**

**Opposer**

**v.**

**Apollo Investigations, Inc.**

**Applicant.**

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**Opposition No. 91212820  
Serial No. 85897079**

**In re Application Serial No.: 85897079**

**For the Mark: “Apollo Investigations, Inc.”**

**Filed: April 5, 2013**

**Published in the Trademark  
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**OPPOSERS’ REBUTTAL BRIEF**

Opposer Apollo Security International, Inc. (“Apollo” or “the Opposer”) files the within Rebuttal Brief in response to the arguments made by applicant Apollo Investigations, Inc. (“Apollo Investigations” or “the Applicant”) in its Trial Brief, filed on July 7, 2015. Apollo refers the Trademark Trial and Appeal Board to the facts and argument set forth in the Opposer’s Trial Brief, filed on May 22, 2015, which are incorporated herein by reference. In further support of its Opposition No. 91212820, Apollo states as follows:

(1) Registration of Apollo Investigations’ mark should be rejected because of the likelihood of confusion between Apollo’s Registered Marks and the Applicant’s proposed mark. Apollo’s Registered Marks are well-recognized and known by those seeking to purchase

investigative and security services; these services are closely related and closely associated in the public perception. While Apollo offers a broader array of services than those apparently offered by Applicant, there is significant overlap in the services offered by both parties. Applicant seeks to register a mark for the same services offered by Opposer, which are protected by Apollo's existing registrations.

The predominant feature of both parties' marks is the word "Apollo." As noted in Apollo's Trial Brief, "Apollo" is not only the dominant feature of both parties' marks, it is the aspect for which each claims exclusive use. Opposer's Trial Brief at p. 18. Although disclaimed, the word, "International" (contained in Apollo's Registered Marks) and "Investigations" (contained in the proposed mark) are similar in appearance. Thus, the overall impression of the Applicant's proposed mark so closely resembles the Registered Marks as to create a likelihood of mistake or confusion that will deceive persons seeking investigative and/or security services. In particular, if Applicant is permitted to register the mark "Apollo Investigations, Inc.," Apollo's existing customers, as well as prospective customers, are likely to believe incorrectly that *Apollo* is offering investigative services using the Applicant's mark. Therefore, if the Applicant's proposed mark is allowed to be registered in connection with the services identified in the application, there is a high likelihood of confusion, mistake or deception, and resulting damage to Apollo, its goodwill and its marks.

(2) In its Trial Brief, the Applicant misstates and misconstrues the evidence of record concerning the geographic scope of Apollo's operations and its customers. Applicant asserts incorrectly that Apollo somehow does *not* offer services to the general public. But the evidence of record establishes the contrary. As stated by Dennis Crowley, III, President, "Apollo offers and markets its investigative services to *all* members of the public, including both businesses and

individuals.” Rebuttal Testimony and Declaration of Dennis M. Crowley III (“Second Crowley Decl.”), ¶4 (emphasis added).<sup>1</sup>

Likewise, Applicant ignores the evidence of record that Apollo operates nationally, and in particular, in Maryland and Virginia, the two states where Applicant has offices. In Maryland, Apollo offers its services to the public through an affiliate, using its Registered Marks. *Id.*, ¶7. Apollo also maintains an office in Virginia through a subcontractor. *Id.*, ¶8. In addition, as evidenced by its website, [www.apollosecurity.com](http://www.apollosecurity.com), which has been operational since January 1999, and its active presence on social media sites, including Facebook and LinkedIn, Apollo operates throughout the United States and internationally. *See* First Crowley Decl. at ¶¶19, 20.

For the reasons set forth above and in the Opposer’s Trial Brief, Opposition No. 91212820 should be sustained and the Applicant’s application should be rejected.

Respectfully submitted,  
**APOLLO SECURITY INTERNATIONAL,  
INC.,**  
By its attorneys,

/s/ Jon C. Cowen  
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<sup>1</sup> Applicant points to a page on Apollo’s 2004 website as support for its position. *See* Exhibit M to First Crowley Declaration. However, Mr. Crowley has clarified, “While Apollo may have limited its marketing of its investigative services to existing security clients in 2004, we long ago broadened both our marketing focus and client base for our investigative services.” Second Crowley Decl., ¶5.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 22<sup>nd</sup> day of July, 2015, a true copy of the foregoing was served by first class mail, postage prepaid, and via e-mail on:

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